

MUNICIPAL ORDER 8-2024

**A MUNICIPAL ORDER AUTHORIZING AND DIRECTING
THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE
AGREEMENT FOR THE ACQUISITION OF PROPERTY
LOCATED AT 3001 WEST 2ND STREET, 35 CARTER
ROAD AND 45 CARTER ROAD.**

WHEREAS, Audubon Loans, Inc. owns certain real property located at 3001 West 2nd Street, 35 Carter Road and 45 Carter Road in Daviess County, Kentucky; and

WHEREAS, the property owner now desires to sell the real property located at 3001 West 2nd Street, 35 Carter Road and 45 Carter Road in Daviess County, Kentucky; and

WHEREAS, the City of Owensboro seeks to acquire said property as the location for a new senior center.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. The Board of Commissioners hereby authorizes and directs the Mayor and other appropriate city officials to execute a real estate purchase agreement which sets forth the terms and conditions for the City's acquisition of the property located at 3001 West 2nd Street, 35 Carter Road and 45 Carter Road. The property is more particularly described on Exhibit A.

Section 2. That the City of Owensboro, Kentucky, by and through its Board of Commissioners, hereby approves the purchase of 3001 West 2nd Street, 35 Carter Road and 45 Carter Road, in accordance with the terms of the proposed real estate purchase agreement mentioned above in Section 1, as such purchase is for the purpose of serving as the location for a new senior center.

Section 3 That the Mayor, City Manager and appropriate staff members are hereby authorized to sign any and all deeds or other documents deemed necessary to the furtherance of the authority outlined herein.

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the 16th day of April, 2024.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk

EXHIBIT A

TRACT NO. 1: 45 Carter Road

Beginning at an iron pipe corner (set this survey) being in the east right of way of Carter Road and also being 107.50 feet south of the southwest corner to Western KY Botanical Gardens, Inc.; thence North 86 degrees 49 minutes 27 seconds East 202.92 feet to an iron pipe corner (set this survey) to Henry B. Payne's remaining land; thence South 06 degrees 20 minutes 31 seconds East 107.50 feet to an iron pipe corner (set this survey); thence South 86 degrees 49 minutes 27 seconds West 202.92 feet to an iron pipe corner (set this survey) being in the east right of way of Carter Road; thence with said right of way North 06 degrees 20 minutes 31 seconds West 107.50 feet to the point of beginning containing 0.500 of an acre as per survey by HRG, PLLC.

This description prepared from a field survey performed December, 1998, and is subject to all legal easements and rights of way including but not limited to those shown on the survey plat.

Said survey plat being approved by the Owensboro Metropolitan Planning Commission 12-11-98 and being recorded in the Daviess County Court Clerk's Office in Plat Book 27, at page 338.

TRACT NO. 2: 35 Carter Road

Beginning at an iron pipe corner (found) to Western Ky. Botanical Gardens, Inc., also said corner being in the east right of way of Carter Road; thence North 86 degrees 49 minutes 27 seconds East 202.92 feet to an iron pipe corner (set this survey) to Henry B. Payne's remaining land; thence South 06 degrees 20 minutes 31 seconds East 107.50 feet to an iron pipe corner (set this survey) of Carter Road; thence South 86 degrees 49 minutes 27 seconds West 202.92 feet to an iron pipe corner (set this survey) being in the east right of way of Carter Road; thence with said right of way North 06 degrees 20 minutes 31 seconds West 107.50 feet to the point of beginning containing 0.500 of an acre as per survey by HRG PLLC.

This description prepared from a field survey performed December, 1998 and is subject to all legal easements and rights of way including but not limited to those shown on the survey plat.

Said survey plat being approved by the Owensboro Metropolitan Planning Commission 12-11-98 and being recorded in the Daviess County Court Clerk's Office in Plat Book 27, at page 338.

AND BEING the same property conveyed to Audubon Loans, Inc., from Brescia University, Inc., by deed dated February 1, 1999, of record in Deed Book 696, Page 373, Office of the Daviess County Clerk.

TRACT NO. 3: 3001 West 2nd Street

Description of 6.998 acres, more or less, located at 3001 West 2nd Street (U.S. 60 West), Owensboro, Daviess County, Kentucky, and more particularly described as follows:

Beginning at an iron pipe corner (found) being the southwest corner of said tract, also being in the north right of way of West 2nd Street (U.S. 60 West) and the east right of way of Carter Road; thence with the east right of way of Carter Road North 06 degrees 20 minutes 31 seconds West 311.32 feet to an iron pipe corner (set this survey, Cap No. 2643) and corner to 45 Carter Road; thence with said new division lines North 86 degrees 49 minutes 27 seconds East 202.92 feet to an iron pipe corner (set this survey); thence North 06 degrees 20 minutes 31 seconds West (passing a corner pipe to 45 and 35 Carter Road at 107.50 feet) in all 215.00 feet to an iron pipe corner (set this survey) being in the line of Western Kentucky Botanical Garden, Inc. (Deed Book 674, Page 241); thence North 86 degrees 49 minutes 27 seconds East 368.01 feet to an iron pipe corner (found); thence South 03 degrees 10 minutes 33 seconds East 92.58 feet to an iron pipe corner (found); thence North 86 degrees 49 minutes 27 seconds East 144.18 feet to an iron pipe corner (found) in the line of William L. Tyler III (Deed Book 640, Page 534); thence South 02 degrees 32 minutes 33 seconds East 453.22 feet to an iron pipe corner (found) in the north right of way of West 2nd Street (U.S. 60 West); thence with said north right of way bearings and distances being: North 83 degrees 41 minutes 00 seconds West 178.57 feet to an iron pipe found; North 87 degrees 27 minutes 54 seconds West 89.70 feet to an iron pipe found; South 88 degrees 06 minutes 17 seconds West 83.73 feet to an iron pipe found; South 84 degrees 22 minutes 40 seconds West 81.72 feet to an iron pipe found; South 83 degrees 03 minutes 10 seconds West 250.84 feet to the point of beginning containing 6.998 acres, more or less, as per survey by HRG, PLLC.

This description prepared from a field survey performed November, 1998, and is subject to all legal easements and rights of way including but not limited to those shown on the survey plat.

Said survey plat being approved by the Owensboro Metropolitan Planning Commission December 11, 1998, and being recorded in the Daviess County Court Clerk's Office in Plat Book 27 at Page 338.

AND BEING the same property conveyed to Audubon Loans, Inc., a Kentucky corporation, from Henry B. Payne and Eudora Y. Payne, his wife, by deed dated June 4, 1999, of record in Deed Book 702, Page 192, Office of the Daviess County Clerk.